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**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

**Sandra Patricia Villanueva-Rollo,
Petitioner,**

v.

Kristi Noem, Secretary of the United States Department of Homeland Security, in her official capacity; **Todd Lyons**, Acting of the Director of U.S. Immigration and Customs Enforcement, in his official capacity; **John Cantu**, Field Office Director for ICE's Enforcement and Removal Operation's ("ERO") Phoenix, Arizona Field Office, in his official capacity; **Sirce Owen**, Acting Director of Executive Office for Immigration Review, in her official capacity; **Fred Figueroa**, Warden, Eloy Federal Detention Center,
Respondents.

Case No.
A No. 

**PETITIONER'S *EX PARTE*
APPLICATION FOR
TEMPORARY
RESTRAINING ORDER OR
PRELIMINARY INJUNCTION**

**MEMORANDUM OF POINTS
AND AUTHORITIES IN
SUPPORT**

INTRODUCTION

Petitioner Sandra Patricia Villanueva-Rollo respectfully moves this honorable Court for an *ex parte* temporary restraining order (TRO) or, in the alternative, for a preliminary injunction, requiring Respondents to immediately release her from her unlawful detention at Eloy Federal Detention Center in Eloy, Arizona or, in the alternative, schedule her for a bond hearing within three (3) days under 8 U. S. C. § 1 226, without regard to the holding of

1 *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (B.I.A. 2025)), filed with the Habeas Petition
2 as Exhibit 2.

3 Ms. Villanueva-Rollo, a native of Columbia, was apprehended on 5/18/2022 entering
4 the U.S. and was released on parole, on her own recognizance, on 5/19/2022. See, Alien
5 Booking Record and parole documents filed with the Habeas Petition as Exhibit 1. The
6 Notice to Appear (NTA) dated 9/13/2025 checks a box stating she is “an alien present in the
7 United States who has not been admitted *or paroled*” and then alleges she was not
8 “admitted *nor paroled* after inspection by an Immigration Officer” (emphasis added) See,
9 Notice to Appear filed with the Habeas Petition as Exhibit 2.
10

11 Before parole may be revoked, the noncitizen must be given written notice of the
12 impending revocation, which must include a cogent description of the reasons supporting the
13 revocation decision. *Y-Z-H-L v. Bostock*, 2025 WL 1898025, at *10–12 (D. Or. July 9, 2025).
14 *Accord, Pinchi v. Noem*, Case No. 5:25-CV-05632-PCP, ___ F. Supp. 3d ___, 2025 WL
15 2084921, at *3 (N.D. Cal. July 24, 2025)(“even when ICE has the initial discretion to detain or
16 release a noncitizen pending removal proceedings, after that individual is released from
17 custody she has a protected liberty interest in remaining out of custody.”)
18

19 Here, Ms. Villanueva-Rollo was not given any written notice regarding revocation of
20 her parole, the reasons for such revocation or the opportunity to challenge same. Indeed, in
21 light of the errors contained in her NTA, she does not appear to be properly detained at all
22 and should be immediately released.
23

24 In addition, the Department of Homeland Security (DHS) recently changed its long-
25 standing position with regard to bond hearings and the status of mandatory detention. See,
26 ICE Memo: Interim Guidance Regarding Detention Authority for Applications for Admission,
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1 filed with the Habeas Petition as Exhibit 8. And the Bureau of Immigration Appeals (BIA)
2 issued a precedential decision on September 5, 2025, holding that all noncitizens present in
3 the United States without admission – no matter how long they have resided here – are still
4 “applicants for admission” under 8 U.S.C. § 1225(a) and therefore subject to mandatory
5 detention under § 1225(b)(2)(A). See, *Yajure Hurtado*, filed with the Habeas Petition as
6 Exhibit 9.
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8 But this interpretation of the Immigration and Naturalization Act (INA) violates both
9 procedural and substantive Fifth Amendment protections, ignores the plain statutory
10 language of both § 1225 and § 1226, and is contrary to numerous recent Federal Court
11 decisions in this District that have rejected these exact arguments. See e.g. October 3, 2025
12 Order entered by District Court Judge Dominic W. Lanza, requiring Respondents to grant
13 Petitioner, who had been present in the United States for 24 years, a “prompt bond hearing”,
14 saying that it “ agrees with the majority of courts that have concluded that § 1226(a), rather
15 than § 1225(b)(2)(A), applies in this circumstance.”) See, *Francisco Echevarria v. Pam*
16 *Bondi, et al.*, CV-25-03252-PHX-DWL (ESW) (D. Ariz. 10/3/2025). (gathering cases).
17

18 *Matter of Yajure Hurtado* is not binding precedent this court. And the Supreme Court
19 decision last year in *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369, 400 (2024), made
20 clear that federal courts must independently interpret statutes and no longer defer under so-
21 called “*Chevron* deference” to agency interpretations of statutes. Therefore, this Court is in
22 the best position to determine whether Petitioner Fauser Reino Godinez-Juarez was
23 improperly barred for consideration for release on bond.
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26 MEMORANDUM OF LAW

27 I. STATEMENT OF FACTS.

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1 Petitioner Sandra Patricia Villanueva-Rollo was born on  in Bogota,
2 Columbia. See, Form I-589 Application for Asylum and for Withholding of Removal filed
3 with the Habeas Petition as Exhibit 4. She last entered the U.S. on 5/18/2022 and was
4 released on parole, on her own recognizance, on 5/19/2022. See, Alien Booking Record
5 and parole documents filed with the Habeas Petition as Exhibit 1.
6

7 On 11/30/2022, within one year of being allowed to enter the U.S., Petitioner
8 submitted an I-589, Application for Asylum and for Withholding of Removal, to the United
9 States Citizenship and Immigration Services. See, Form I-589 filed with the Habeas
10 Petition as Exhibit 3. Petitioner sought asylum based on persecution by rival political
11 groups, physical attacks and the situation in Columbia. *Id.*
12

13 Ms. Villanueva-Rollo was arrested on 7/22/2025 for a “touch or strike” domestic
14 assault against her daughter, which was withdrawn the same day. See, DHS Evidence
15 filed with the Habeas Petition as Exhibit 5. The Broward County Sheriff’s Office placed an
16 Immigration Hold against Petitioner on 7/22/2025 and she has remained in custody since.
17 *Id.*
18

19 Petitioner was issued a Notice to Appear (NTA) on 9/13/2025 that checks a box
20 stating she is “an alien present in the United States who has not been admitted **or paroled**”
21 and then alleges she was not “admitted **nor paroled** after inspection by an Immigration
22 Officer” (emphasis added). See, Notice to Appear filed with the Habeas Petition as Exhibit
23 2. Due to the issuance of the NTA, the Asylum Vetting Center closed Petitioner’s
24 affirmative asylum case and forwarded the I-589 to the EOIR for consideration as a
25 defensive application. See, 9/28/2025 memo from USCIS Asylum Vetting Center to EOIR
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1 re PA A# 240825406, which is the first page of the I-589, Application for Asylum and for
2 Withholding of Removal, filed with the Habeas Petition as Exhibit 4.

3 On 10/8/2025, DHS filed a Motion To Pretermitt Petitioner's Protection Applications
4 and on 12/8/2025 Petitioner filed an Opposition. See, Exhibits 5 and 6 filed with the Habeas
5 Petition.
6

7 Petitioner has been living in the United States for 3 ½ years, since she was admitted
8 and paroled on 5/19/2022. See, Alien Booking Record and parole documents filed with the
9 Habeas Petition as Exhibit 1. She is currently detained by ICE at Eloy Federal Detention
10 Center. See, 12/9/2025 ICE Locator page filed with the Habeas Petition as Exhibit 3.

11 Petitioner has determined that filing a motion for bond redetermination would be futile
12 in light of *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (B.I.A. 2025).
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14 **II. LEGAL STANDARDS**

15 To obtain a preliminary injunction, a plaintiff must establish: "(1) a likelihood of
16 success on the merits, (2) a likelihood of irreparable harm in the absence of preliminary
17 relief, (3) that the balance of equities favors the plaintiff, and (4) that an injunction is in the
18 public interest." *Geo Group, Inc. v. Newsom*, 50 F.4th 745, 753 (9th Cir. 2022) (*en banc*),
19 citing *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7 at 20 (2008). The legal
20 standards applicable to TROs and preliminary injunctions are "substantially identical."
21 *Babaria v. Blinken*, 87 F. 4th 963, 976 (9th Cir. 2023), citing to *Washington v. Trump*, 847
22 F.3d 1151, 1159 n.3 (9th Cir. 2017) (*per curiam*) (*quoting Stuhlberg Int'l Sales Co. v. John*
23 *D. Brush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001)).
24

25 The Court considers the elements on a "sliding scale" pursuant to the Ninth Circuit's
26 "serious question" test. "A preliminary injunction is appropriate when a plaintiff
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1 demonstrates that serious questions going to the merits were raised and the balance of
2 hardships tips sharply in the plaintiff's favor." *Alliance for the Wild Rockies v. Cottrell*, 632 F.
3 3d 1127, 1134-35 (9th Cir. 2011) (citing *Lands Council v. McNair*, 537 F.3d 981, 987 (9th
4 Cir. 2008) (*en banc*)) (internal quotations omitted). Likelihood of success on the merits is
5 the most important factor. Where a movant fails to meet this requirement, the "court need
6 not consider the other factors in the absence of serious questions going to the
7 merits." *Disney Enters., Inc. v. VidAngel, Inc.*, 869 F.3d 848, 856 (9th Cir. 2017) (internal
8 citations and quotations omitted).
9

10 **A. Petitioner Is Likely To Succeed On The Merits Of Her Argument That She**
11 **Was Wrongfully Re-Arrested Without Charging Documents And An**
12 **Opportunity To Be Heard.**

13 It is well-established that U.S. Immigration and Customs Enforcement (ICE) may only
14 re-arrest a noncitizen previously detained and allowed into the United States when there has
15 been a "material" change in circumstances since the individual's initial release. See 8 U.S.C.
16 § 1226(b); 8 C.F.R. § 236.1(c)(9). *Saravia v. Barr*, 280 F. Supp. 3d 1168, 1197 (N.D. Cal.
17 2017), *aff'd sub nom. Saravia for A.H. v. Sessions*, 905 F.3d 1137 (9th Cir. 2018). As recently
18 explained by Judge Daniel J. Calabretta of the Eastern District of California:
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20 ...once Petitioner was granted parole at the port of entry, it reflected a federal
21 determination that he did not pose a flight risk or a danger to the community.
22 Thus, any future parole revocation by the government must follow certain
23 procedural parameters as set out in the regulations. See, e.g., *E.A.P.C. v.*
24 *Wofford*, No. 1:25-cv-01546-JLT-CDB, 2025 WL 3289185, at *6 (E.D. Cal. Nov.
25 25, 2025) (collecting cases explaining processes for revocation of parole of
26 noncitizens); *Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1196–97 (N.D. Cal.
27 2017) (discussing parole revocations and government's practice to "generally
28 only re-arrest[] an alien pursuant to § 1226(b) after a material change in
circumstances"); *Salcedo Aceros v. Kaiser*, No. 25-cv-06924-EMC, 2025 WL
2637503, at *3 (N.D. Cal. Sept. 12, 2025) (same). Accordingly, for Petitioner's
parole revocation to be constitutionally adequate, the government must show
that there has been changed circumstances warranting his re-arrest.

1 *Jose Pedro Ortega v. Noem, et al.*, Case No. 1:25-CV-01663-DJC-CKD, 2025 WL 3511914,
2 at *2 (E.D. Cal. Dec. 8, 2025).

3 Thus, before parole may be revoked, the parolee must be given written notice of the
4 impending revocation, which must include a cogent description of the reasons supporting the
5 revocation decision. *Y-Z-H-L v. Bostock*, 2025 WL 1898025, at *10–12 (D. Or. July 9, 2025).
6 *Accord, Pinchi v. Noem*, Case No. 5:25-CV-05632-PCP, ___ F. Supp. 3d ___, 2025 WL
7 2084921, at *3 (N.D. Cal. July 24, 2025)(“even when ICE has the initial discretion to detain or
8 release a noncitizen pending removal proceedings, after that individual is released from
9 custody she has a protected liberty interest in remaining out of custody.”)

10 Here, Ms. Villanueva-Rollo was not given any written notice regarding revocation of
11 her parole, the reasons for such revocation or the opportunity to challenge same. Indeed, in
12 light of the errors contained in her NTA, she does not appear to be properly detained at all
13 and should be immediately released.
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17 **B. Petitioner Is Likely To Succeed On The Merits Of Her Argument That She Is**
18 **Wrongfully Detained Because She Is Not Subject To Mandatory Detention**
19 **Under § 1225(B)(2).**

20 Petitioner cannot be subject to “mandatory detention” under § 1225 (b)(2)(A) by
21 virtue of being an “applicant for admission” under § 1225 (a)(1), as DHS itself has admitted
22 in the NTA that she is an “alien present in the United States.” The NTA dated 9/13/2025
23 checks a box stating she is “an alien present in the United States who has not been
24 admitted *or paroled*” and then alleges she was not “admitted *nor paroled* after inspection
25 by an Immigration Officer” (emphasis added) See, Notice to Appear filed herewith as
26 Exhibit 2.
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1 Here, DHS's long practice of considering people living in the United States for more
2 than two years as detained under § 1226(a) indicates that, at most, it could argue that it is
3 detaining Petitioner under § 1226. However, under the holding of *Matter of Yajure Hurtado*,
4 29 I&N Dec. 216 (B.I.A. 2025), filed with the Habeas Petition as Exhibit 9, Petitioner still
5 would not be entitled to release on bond.
6

7 **C. Caselaw Holds That An Alien Present In The U.S. For More Than 2 Years**
8 **Should Receive a Bond Hearing.**

9
10 Both Supreme Court and Ninth Circuit precedent hold that 8 U.S.C. § 1226(a) is the
11 "default" provision for aliens already present in the United States. In *Jennings v. Rodriguez*,
12 583 U.S. 281, 297 (2018), the Supreme Court reversed a Ninth Circuit holding that there
13 was a statutory right to periodic bond hearings. It held that "U. S. immigration law authorizes
14 the Government to detain certain aliens seeking admission into the country under §§
15 1225(b)(1) and (b)(2). It also held that "§ 1226 applies to aliens *already present* in the
16 United States. Section 1226(a) creates a *default rule* for those aliens by permitting—but
17 not requiring—the Attorney General to issue warrants for their arrest and detention pending
18 removal proceedings." *Jennings*, 583 U.S. at 303 (emphasis added). In *Zadvydas v. Davis*,
19 533 U.S. 678 (2001), the Supreme Court stated that "[w]hile removal proceedings are in
20 progress, *most aliens may be released on bond or paroled*. 8 U. S. C. §§ 1226(a) (1994
21 ed., Supp. V)." *Id.* at 683 (emphasis added).
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24 The Ninth Circuit has held that § 1226(a) is the "default" detention statute for aliens in
25 removal proceedings "[8 U.S.C. §1226(a) ("Subsection A")] is the default detention statute for
26 noncitizens in removal proceedings and applies to noncitizens "[e]xcept as provided in
27 [Subsection C]." 8 U.S.C. § 1226(a)." *Avilez v. Garland*, 69 F. 4th 525, 529-530 (9th Cir.
28

1 2022). *Accord, Rodriguez Diaz v. Garland*, 83 F. 4th 1177, 1179 (9th Cir. 2023); *Sarr v. Scott*,
2 765 F. Supp. 3d 1091, 1095 (WD Wash. 2025); *Prieto-Romero v. Clark*, 534 F.3d 1053, 1057
3 (9th Cir. 2008). *Casas-Castrillon v. DHS*, 535 F.3d 942 (9th Cir. 2008).

4 In Arizona, *Echevarria v. Bondi, et al.*, No. 2:25-cv-03252-PHX-DWL, 2025 WL
5 2821282 (D. Ariz. Oct. 3, 2025) collects many of the District Court cases across the country
6 holding against the government in this regard. See, 10/3/2025 Order entered in *Francisco*
7 *Echevarria v. Pam Bondi, et al.*, CV-25-03252-PHX-DWL (ESW), (D. Ariz. 10/3/2025), filed
8 with the Habeas Petition as Exhibit 3. However at least 14 additional cases in the Arizona
9 District Court have found against the government's position in the last three months:
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- 11
12 1) Order granting habeas in *Millan-Osuna v. Cantu, et al.*, Case No. 25-cv-
13 04019-MTL--JFM (D. Ariz. 11-26-25)("Respondents' view represents the
14 minority position—in the weeks since Judge Lanza considered the issue in
15 *Echevarria*, dozens of other courts have reached the same conclusion....
16 Petitioner must receive a bond hearing under 8 U.S.C. § 1226(a).").
- 17 2) Order granting habeas in *Luna-Gonzalez v. Noem, et al.*, Case No. 25-cv-
18 03794-MTL (D. Ariz. 11-26-25)("Having reviewed the recent decisions
19 adopting the minority view, the Court agrees with the conclusion reached by
20 Judge Lanza in *Echevarria*.").
- 21 3) Order granting habeas in *Najarro Zuniga v. Bondi, et al.*, Case No. 25-cv-
22 04175-SHD (D. Ariz. 11-24-25)("In the OSC, the Court observed that
23 Petitioner's case was virtually indistinguishable from *Francisco Echevarria*...
24 in which Judge Lanza determined individuals like Petitioner are governed by §
25 1226 and not § 1225(b)(2)(A).").
- 26 4) Order granting habeas in *Padron-Carreron v. Noem, et al.*, Case No. 25-cv-
27 04204-DWL (D. Ariz. 11-24-25)("having carefully reviewed the recent
28 decisions adopting the minority view, the Court respectfully declines to revisit
the conclusion it reached in *Echevarria*.").
- 5) Order granting habeas in *Rodriguez Plascencia v. Bondi, et al.*, Case No. 25-
cv-03794-MTL (D. Ariz. 11-21-25)("having carefully reviewed the recent
decisions adopting the minority view, the Court respectfully declines to revisit
the conclusion it reached in *Echevarria*.").

- 1 6) Order granting habeas in *Rodrigues da Silva v. Figueroa, et al.*, Case No. 25-
2 cv-04015-PHX (D. Ariz. 11-18-25) (“dozens of other district courts have
3 concluded individuals like Petitioner are subject to § 1226 and not § 1225
4 and, therefore, are not subject to mandatory detention”), gathering cases.
- 4 7) Order granting habeas in *Perez Rodriguez v. Noem, et al.*, Case No. 25-cv-
5 03921-PHX (D. Ariz. 11/13/2025) (“the vast majority of courts concluded
6 individuals like Petitioner are subject to § 1226 and not § 1225 and, therefore,
7 are not subject to mandatory detention”).
- 7 8) Order granting habeas in *Gonzalez Rodriguez v. Bondi, et al.*, Case No. 25-
8 cv-03917-PHX (D. Ariz. 11-6-25) (“dozens of other district courts have
9 concluded individuals like Petitioner are subject to § 1226 and not § 1225
10 and, therefore, are not subject to mandatory detention”).
- 10 9) Order granting habeas in *Abrego-Zarate v. Noem, et al.*, Case No. 25-cv-
11 03564-KML (D. Ariz. 11-6-25) (“in accord with numerous other courts
12 addressing the same issue—‘Respondents’ narrow focus on the language of
13 § 1225(a)(1) fails to take account of the entirety of the statutory scheme...”
14 *citing to Echevarria v. Bondi, et al.*, CV-25-03252-PHX-DWL (ESW), 2025 WL
15 2821282, at *9 (D. Ariz. October 3, 2025)).
- 14 10) Order granting habeas in *Gonzalez Rodriguez-Zarate v. Bondi, et al.*, Case
15 No. 2 25-cv-03917-JJT (D. Ariz. 11-6-25) (“This Court agrees with the weight
16 of authority in determining Petitioner’s detention is subject to § 1226.”)
- 16 11) Order granting habeas in *Garcia-Rosales v. Noem, et al.*, No. 2:25-cv-03391-
17 SHD-DMF at page 2 (D. Ariz. Oct. 22, 2025) (“while Respondents point to two
18 district court opinions adopting their interpretation of § 1225(b)(2)(A), myriad
19 other district courts have reached the same conclusion as *Echevarria* and
20 held individuals like Petitioner are not subject to mandatory detention under
21 1225(b)(2)(A)”).
- 20 12) Order granting habeas corpus in *Benitez-Cornejo v. Cantu, et al.*, No. 2:25-
21 cv-03672 (D. Arizona Oct. 17, 2025) (“individuals like Petitioner are not
22 “arriving aliens” subject to mandatory detention but, rather, are subject to the
23 general removal statute, 8 U.S.C. § 1226(a)”).
- 23 13) Order granting habeas entered in *Hector Lopez-Melo v. Bondi, et al.*, Case
24 No. Case 2:25-cv-03394-DJH--JZB (D. Ariz. 10/9/2025) (“petitioner, who had
25 been present in the United States for years, was not an applicant for
26 admission under 1225(b)(2)(A) or subject to mandatory detention”).
- 26 14) Order granting habeas corpus in *Bo Li v. Cantu, et al.*, No. CV-25-02989-
27 PHX-SPL (D. Arizona 10/07/2025) (“Respondents maintain he is subject to
28 mandatory detention under 1225(b)(2). Again, Respondents are mistaken.”).

1 In *Padron-Carreron*, the Court commented that “Respondents point to “at
2 least five federal courts that have joined what the government acknowledges is a minority
3 position on whether § 1225 applies to persons in Petitioner’s position rather than § 1226.”¹
4 The Court also mentioned four more that it was aware of.² However, it concluded that “it
5 is unsurprising that judges across the country are not in full agreement on how this issue
6 should be resolved—indeed, the Court previously emphasized that “it views this issue as
7 presenting a complicated and debatable question.” *Echevarria*, 2025 WL 2821282 at *5.

10 **D. BIA’s Determinations Are Not Entitled To Deference.**

11 Obviously, decisions by the BIA are not binding on the Federal Judiciary, and vice-
12 versa. *Matter of K-S-*, 20 I&N Dec. 715 (BIA 1993). The legal relationship between federal
13 courts and the BIA was fundamentally restructured on June 28, 2024, when the Supreme
14 Court issued its decision in *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024),
15 which expressly overruled *Chevron* [24] *Chevron v. Natural Resources Defense Council*,
16 467 U.S. 837 (1984). deference to agency interpretations of statutes. The majority opinion,
17 authored by Chief Justice John Roberts, held that Federal Courts must “exercise their
18 independent judgment in deciding whether an agency has acted within its statutory
19 authority”. *Loper Bright*, 603 U.S. at 207.
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24 ¹ Those decisions are *Mejia Olalde v. Noem*, 2025 WL 3131942 (E.D. Mo. 2025), *Vargas*
25 *Lopez v. Trump*, 2025 WL 2780351 (D. Neb. 2025), *Chavez v. Noem*, 2025 WL 2730228 (S.D. Cal.
26 2025), *Pipa-Aquise v. Bondi*, 2025 WL 2490657 (E.D. Va. 2025), and *Pena v. Hyde*, 2025 WL
27 2108913 (D. Mass. 2025).

28 ² Those decisions are *Valencia v. Chestnut*, 2025 WL 3205133 (E.D. Cal. 2025); *Alonzo v.*
Noem, 2025 WL 3208284 (E.D. Cal. 2025); *Sandoval v. Acuna*, 2025 WL 3048926 (W.D. La. 2025);
Rojas v. Olson, 2025 WL 3033967 (E.D. Wisc. 2025); *Garibay-Robledo v. Noem*, No. 1:25-CV-
177-H, Doc. 9 (N.D. Tex. Oct. 24, 2025).

1 Thus, determining whether or not DHS's new internal policy of treating all noncitizens
2 as "applicants for admission" under § 1225 (a)(1) and thereby subject to "mandatory
3 detention" under 8 U.S.C. § 1225 (b)(2)(A) is properly decided by the Federal Courts. The
4 recent decision of *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (B.I.A. 2025) is not binding on
5 this Court.
6

7 **E. Petitioner Will Suffer Irreparable Harm Absent An Injunction.**
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9 Parties seeking preliminary injunctive relief must also show they are "likely to suffer
10 irreparable harm in the absence of preliminary relief." *Winter*, 555 U.S. at 20. Irreparable
11 harm is the type of harm for which there is "no adequate legal remedy, such as an award of
12 damages." *Ariz. Dream Act Coal. v. Brewer*, 757 F.3d 1053, 1068 (9th Cir. 2014).
13

14 Since Petitioner's detention she has been detained at the Eloy Federal Detention
15 Center in Eloy, Arizona, similar to a criminal detention, under the pretense that her detention
16 is mandatory. The Supreme Court has established that the "loss of freedoms, for even
17 minimal periods of time, unquestionably constitutes irreparable injury." *Elrod v. Burns*, 427
18 U.S. 347, 355 (1976). Thus, by virtue of Petitioner's ongoing loss of liberty, she has
19 demonstrated significant irreparable harm. This factor weighs in his favor.
20

21 **F. The balance of hardships and public interest weigh heavily in Petitioner's**
22 **favor.**
23

24 The final two factors for a preliminary injunction—the balance of hardships and public
25 interest—"merge when the Government is the opposing party." *Nken v. Holder*, 556 U.S.
26 418, 435 (2009). Here, Petitioner faces weighty hardships: loss of liberty, separation from
27 family, significant stress and anxiety, and difficulty in communicating with her attorney.
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1 The government, by contrast, faces minimal hardship: the administrative costs
2 associated with three bond hearings. “[T]he balance of hardships tips decidedly in plaintiffs’
3 favor” when “[f]aced with such a conflict between financial concerns and preventable human
4 suffering.” What is more, because the policy preventing Petitioner from obtaining bond “is
5 inconsistent with federal law, . . . the balance of hardships and public interest factors weigh
6 in favor of a preliminary injunction.” *Moreno Galvez v. Cuccinelli*, 387 F. Supp. 3d 1208,
7 1218 (W.D. Wash. 2019) (Moreno I); *see also Moreno Galvez*, 52 F.4th at 832 (affirming in
8 part permanent injunction issued in Moreno II and quoting approvingly district judge’s
9 declaration that “it is clear that neither equity nor the public’s interest are furthered by
10 allowing violations of federal law to continue”). This is because “it would not be equitable or
11 in the public’s interest to allow the [government] . . . to violate the requirements of federal
12 law, especially when there are no adequate remedies available.” *Valle del Sol Inc. v. Whiting*,
13 732 F.3d 1006, 1029 (9th Cir. 2013). Indeed, Defendants “cannot suffer harm from an
14 injunction that merely ends an unlawful practice.” *Rodriguez*, 715 F.3d at 1145.”
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18 CONCLUSION

19 For all the foregoing reasons, Petitioner Sandra Patricia Villanueva-Rollo respectfully
20 requests the Court grant this motion for a Temporary Restraining Order and require
21 Respondents to immediately release her from his unlawful detention at Florence
22 Correctional Center in Florence, Arizona or, in the alternative, schedule her for a bond
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hearing within three (3) days under 8 U.S.C. § 1226, without regard to the holding of *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (B.I.A. 2025).

Dated: December 12, 2025
Attorney for Respondent

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Attorney for Respondent

LIST OF NEW EXHIBITS	
Exhibit 15	Rule 65(b) Declaration of Erica Sanchez, Counsel to Petitioner

1 Erica Sanchez, Of Counsel
2 Shefer Law Firm, P.A.
3 800 SE 4th. Ave #803
4 Hallandale Beach, Florida 33009
5 Telephone: (480) 866-1111
6 erica@shefer.legal
7 Arizona Bar #027107
8 Attorney for Respondent

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UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Sandra Patricia Villanueva-Rollo,
Petitioner,

v.

Kristi Noem, Secretary of the United States Department of Homeland Security, in her official capacity; **Todd Lyons**, Acting of the Director of U.S. Immigration and Customs Enforcement, in his official capacity; **John Cantu**, Field Office Director for ICE's Enforcement and Removal Operation's ("ERO") Phoenix, Arizona Field Office, in his official capacity; **Sirce Owen**, Acting Director of Executive Office for Immigration Review, in her official capacity; **Luis Rosa, Jr.**, Warden of the Central Arizona Florence Correctional Complex, in his official capacity;

Respondents.

Case No.

A No.



Rule 65(b) Declaration of Attorney Erica Sanchez

I, Erica Sanchez, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct to the best of my knowledge, information, and belief:

1. I am counsel for Petitioner, Sandra Patricia Villanueva-Rollo.
2. I file this Declaration in Support of Petitioner's *Ex Parte* Motion for A Temporary Restraining Order or, in the Alternative, a Preliminary Injunction.

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3. In an attempt to confer with Respondents' counsel before filing the Ex Parte Motion in compliance with Fed.R.Civ.Pro. 65(b)(1)(A), I sent an email on November 22, 2025 to Katherine R. Branch, Assistant United State Attorney, at katherine.branch@usdoj.gov, attaching copies of the Habeas Petition and *Ex Parte* Motion.

5. Attached is a copy of that email.

6. Accordingly, I did attempt to meet and confer with opposing counsel before filing the *Ex Parte* Motion in compliance with Fed.R.Civ.Pro. 65(b)(1)(A) but was unable to resolve the matter.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this December 12, 2025, at Phoenix, County of Maricopa, State of Arizona.

By: /s/ Erica Sanchez
Erica Sanchez, Esq.